

**Amendments to the Drawings:**

The drawing sheets attached in connection with the above-identified application containing Figures 1-3 are being presented as a new formal drawing sheets to be substituted for the previously submitted drawing sheets. The drawing Figures 1-3 have been amended. Appended to this amendment is an annotated copy of the previous drawing sheets which have been marked to show changes presented in the replacement sheets of the drawing.

The specific changes which have been made to Figure 1 are to label the boxes referred to by reference numerals 6A, 6B, 6C, 6D, 6W, 6X 8, 10, 12 and 14. The specific changes which have been made to Figure 2 are to label the boxes referred to by reference numerals 16, 18 and 20. The specific changes which have been made to Figure 3 are to include the reference numeral 40B, and to label the boxes referred to by reference numerals 36A, 36B, 36C, 36Q, 36R, 38, 40A, 40B, 40C, 40M, 42, 44 and 46.

## **REMARKS**

Claims 1, 11, 12, 24, 25, 33, 34 and 36 have been amended. No new matter has been added. Claims 1-38 are pending.

### ***Allowable subject matter***

Applicants appreciate the indication that at least claims 9 and 22 contain allowable subject matter.

### ***Drawings***

The drawings were objected to for not having descriptive labels. Figures 1-3 have been amended to provide descriptive labels for elements of the drawings, and applicants submit that the objection has been overcome.

### ***Specification***

The specification was objected to for informalities. In general, the specification has been amended to address the issues raised in the Office Action. With respect to the incorporation of essential material, applicants submit that the specification as written does include all essential material, and thus incorporation of any disclosure from U.S. Patent 4,868,877 is not required. Moreover, U.S. Patent 4,868,877 is being listed in an Information Disclosure Statement submitted herewith for the convenience of the Examiner. Accordingly, applicants submit that the objection to the specification has been overcome.

### ***Claim objection***

Claim 36 was objected to for informalities. Claim 36 has been amended to include an ending period, and applicants submit that the objection has been overcome.

### ***Rejection under 35 U.S.C. § 101***

Claims 1-34 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Independent claims 1, 33 and 34 have been amended as suggested by the Examiner to indicate that the digital certificate is “embodied on a computer readable medium.” Moreover, claims 1 and 33 have been amended to clarify that the “executable file” is an “executable

program file.” Applicants submit that the claims, as amended, are directed to statutory subject matter, and respectfully request that the rejection under 35 U.S.C. § 101 be withdrawn.

***Rejections under 35 U.S.C. §§ 102 and 103***

Claims 1-8, 10-15, 23-30 and 33-34 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,189,097 to Tyckensen (“Tyckensen”). Claims 16-21 and 31-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tyckensen in view of U.S. Patent No. 5,659,616 to Sudia (“Sudia”). Applicants respectfully traverse these rejections for at least the following reasons.

Independent claim 1 is directed to a digital certificate, and recites “a trust function embedded within the certificate as an executable program file, which trust function has data and can determine as a function of data available to it a trust value attributable to at least a part of the digital certificate at least partly when the executable program file is executed.” Tyckensen and Sudia fail to suggest at least this feature of claim 1.

Tyckensen discloses a digital certificate 10 which is issued as proof of ownership to a digital product purchaser 14 of a given digital product 16 (See FIG. 2, col. 4, lines 37-41). The digital certificate 10 may include a number of components 11, which may be text-based or binary –based (col. 7, lines 27-48).

Tyckensen, however, does not include a trust function, as recited in claim 1, embedded within its digital certificate 10 as an executable program file. The Office Action cites to Tyckensen in column 3, lines 28-31 as disclosing the embedded trust function of claim 1. Tyckensen in column 3, lines 28-32 states: “The subject matter of the present invention provides digital certificate format inherently assuring authenticity for both executable and static digital products embedded therein with protection against intentional or unintentional corruption.” The cited section of Tyckensen, however, does not suggest that any trust function executable program is embedded in its digital certificate. The “executable” in the cited section refers to the digital product, not to the digital certificate. While the digital product 16 of Tyckensen may be an executable computer program, (See col. 4, lines 46-49),

the digital product 16 is separate from the digital certificate 10, and is not disclosed as functioning like the trust function of claim 1. Tyckensen discloses that digital certificate 10 is issued as proof of ownership of a given digital product 16, such as a digital image or a computer program (See FIG. 2, col. 4, lines 37-41, 46-49). The digital product 16 is separate from the digital certificate 10, however, and is not disclosed as functioning like a trust function. There is no suggestion in Tyckensen of including a trust function, as that trust function is recited in claim 1, embedded within its digital certificate 10 as an executable program file. Claim 1 is patentable over Tyckensen for at least this reason.

Sudia also fails to disclose “a trust function embedded within the certificate as an executable program file, which trust function has data and can determine as a function of data available to it a trust value attributable to at least a part of the digital certificate at least partly when the executable program file is executed” as recited in claim 1, and thus fails to cure the deficiencies of claim 1.

Independent claims 33 and 34 respectively recite “a trust function within the certificate, which trust function comprises an executable program file, which trust function has data available to it and can determine as a function of the data available to it a trust value attributable to at least a part of the digital certificate at least partly when the executable program file is executed”, and “a trust function embedded within the certificate as an executable program file, which trust function has data available to it and can determine as a function of the data available to it a trust value attributable to at least a part of the digital certificate at least partly when the executable program file is executed”, and thus are patentable for reasons analogous to claim 1.

The dependent claims are patentable for at least the same reasons as their respective independent claims, as well as for further patentable features recited therein. In this contrast, applicants note with appreciation the indicated allowability of the subject matter recited in claim 9 and 22.

***Double patenting***

Claims 1-38 stand provisionally rejected under the judicially created doctrine of obvious-type double patenting as being unpatentable over claims 1-22 of copending U.S. Patent Application No. 10/075380 (hereafter "the '380 application"). Claims of the '380 application have been provisionally rejected under the judicially created doctrine of obvious-type double patenting as being unpatentable over claims of the present application. Accordingly, applicants respectfully request that the Examiner allow one of the present application and copending '380 application, at which time a Terminal Disclaimer will be filed in the other application if such is warranted. (See MPEP 822.01).

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is requested to contact the undersigned attorney at (202) 672-5300 if an Examiner's Amendment would facilitate the allowance of the application.

Respectfully submitted,

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Fig. 1

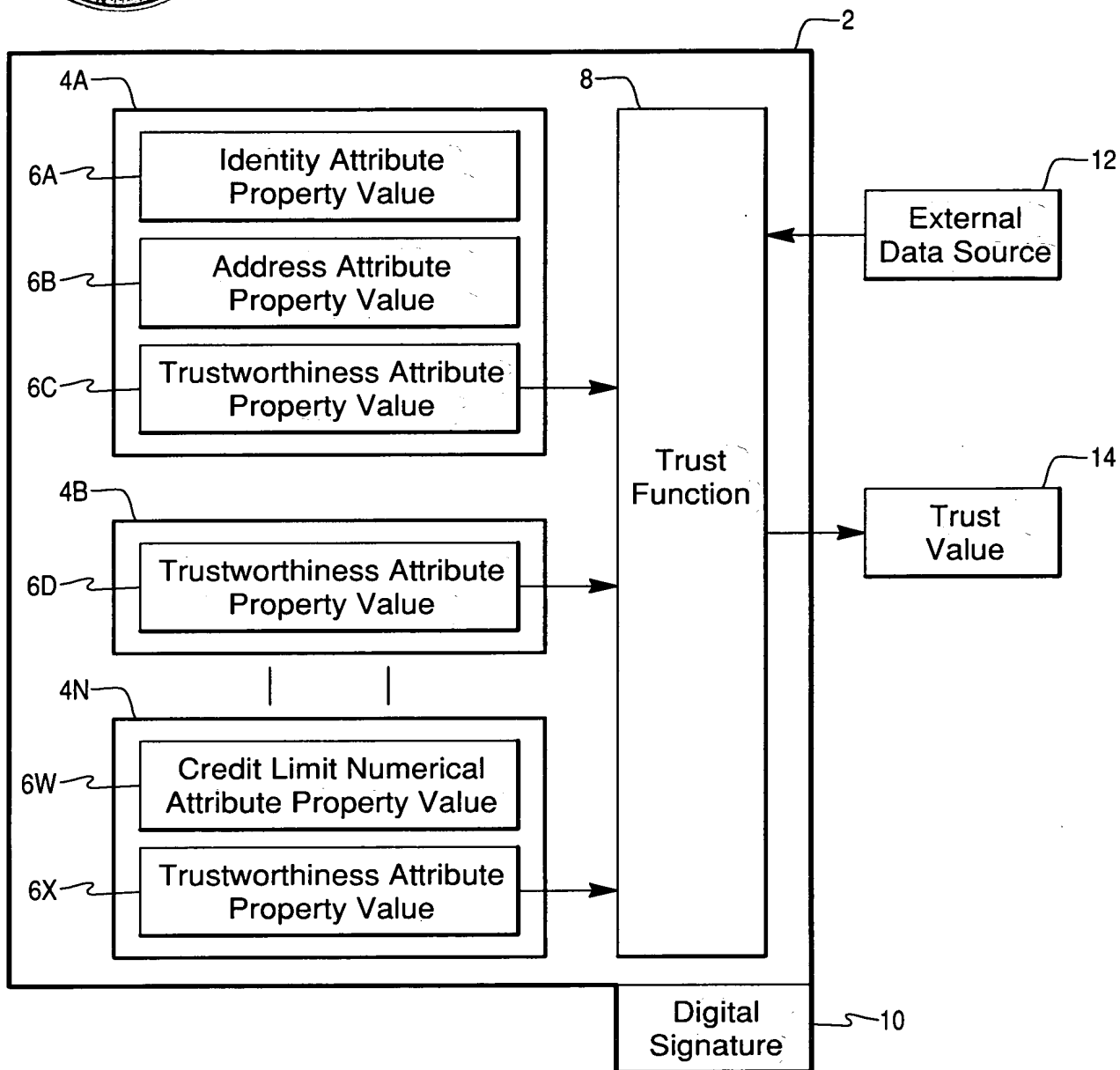


Fig. 2





Fig. 3

